

## **REMARKS**

In response to the Final Office Action mailed March 15, 1999, the applicant requests reconsideration of the above-identified application in view of the following remarks. Claims 1-20 and 27-32 are pending in the application, claims 19, 28, 29, and 32 are allowed, and claims 1-18, 20, and 27 are rejected. Claims 17, 27, 30, and 31 will be cancelled, claims 1, 9-11, 14-16, 18, and 20 will be amended, and new claims 33-40 will be added upon entry of the present amendment.

### *Restriction Requirement*

Claims 30 and 31 were withdrawn from consideration as being directed to a non-elected invention. Claims 30 and 31 will be cancelled upon entry of the present amendment.

### *Information Disclosure Statements*

The Examiner indicated that a legible copy of Suzuki et al. was not provided with the Information Disclosure Statement filed on March 19, 1998. Accordingly, the applicant has resubmitted Suzuki et al. herewith. The applicant respectfully requests that Suzuki et al. be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants further request that a copy of the form 1449 filed on March 19, 1998, initialed by the Examiner to indicate that Suzuki et al. has been considered, be returned with the next official communication.

### *Amendments To The Claims*

The applicant has amended claims 1, 9, and 10 such that the pending claims 1-10 are now dependent upon the allowed claim 29. Similarly, claims 11; 14-16, and 18 have been amended such that the pending claims 11-16 and 18 are now dependent upon the allowed claim 28. The applicant respectfully submits that claims 1-16 and 18 are in condition for allowance.

*New Claims*

The applicant has added new claims 33-40 which are dependent upon allowed claim 32.

The new claims 33-40 are substantially similar to the pending claims 11-16, 18, and 20.

*Rejection Under 35 U.S.C. §102*

Claims 1-5, 7-14, 16-18, 20 and 27 are rejected under 35 U.S.C. §102(e). The applicant has amended claims as mentioned above to obviate the rejection. The applicant respectfully submits that claims 1-5, 7-14, 16-18, 20 and 27 are in condition for allowance and reserves the right to assert claims 1-5, 7-14, 16-18, 20 and 27 in a future copending application.

*Rejection Under 35 U.S.C. §103*

Claims 6 and 15 are rejected under 35 U.S.C. §103(a). The applicant has amended claims as mentioned above to obviate the rejection. The applicant respectfully submits that claims 6 and 15 are in condition for allowance and reserves the right to assert claims 6 and 15 in a future copending application.

*Double Patenting*

Claims 1-5, 7-14, 16-18, 20 and 27 are rejected under the judicially created doctrine of obviousness-type double patenting. The applicant has amended claims as mentioned above to obviate the rejection.

**AMENDMENT & RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE**

Serial Number: 08/902,133

Filing Date: July 29, 1997

Title: **DYNAMIC ELECTRICALLY ALTERABLE PROGRAMMABLE READ ONLY MEMORY DEVICE**

Page 6  
Dkt: 303.356US1

**CONCLUSION**

The applicant respectfully submits that all of the pending claims are in condition for allowance and such action is earnestly solicited. The Examiner is invited to telephone the below-signed attorney at 612-373-6973 to discuss any questions which may remain with respect to the present application.

Respectfully submitted,

LEONARD FORBES ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6973

Date

*5/14/99*

By

*RE M*  
Robert E. Mates  
Reg. No. 35,271

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box AF, Assistant Commissioner of Patents, Washington, D.C. 20231 on May *24* 1999.

Name

*JANA OTTMAR*

Signature

*Jana P. Ottmar*